

**HACH ROSE SCHIRIPA
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

KAMARIEA MAGETTE and DIANA RUFUS, on
behalf of themselves and others similarly situated,

Plaintiffs,

-against-

AVALONBAY COMMUNITIES, INC.,

Defendant.

Civil No. 2:17-cv-06897(AKT)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS,
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notice of Settlement ("Motion for Preliminary Approval") and the Declaration of Frank R. Schirripa ("Schirripa Decl.") in Support of Plaintiffs' Motion for Preliminary Approval, Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”);¹
- (2) certifying the proposed class for settlement purposes;
- (3) appointing Hach Rose Schirripa & Cheverie, LLP (“HRS&C”) (“Plaintiffs’ Counsel”) as Class Counsel;
- (4) approving the proposed Notice of Class Action Settlement, Schirripa Decl. Ex. A; and
- (5) granting such other, further, or different relief as the Court deems just and proper.

Plaintiffs have contemporaneously submitted a Proposed Order, annexed hereto as **Exhibit A**, for the Court’s convenience.

Dated: New York, New York
July 9, 2021

Respectfully submitted,

HACH ROSE SCHIRRIPA & CHEVERIE LLP

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*Counsel for Plaintiffs and Putative
Collective and Class*

¹ A true and correct copy of the Settlement Agreement has been submitted directly to the Court.